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July 17, 2023

Via ECF

The Honorable Pamela K. Chen
United States District Court Judge
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Stephens, et al. v. HSBC Holdings PLC, et al.*, 18-CV-07439 (PKC) (CLP)
Clarification of June 28, 2023 Minute Entry and Order

Dear Judge Chen:

On June 28, 2023, the Court entered a Minute Entry and Order to reflect the result of the June 27, 2023 status conference.¹ In pertinent part, the Court set out a schedule for amending pleadings and briefing motions to dismiss:

Stephens and Freeman II/Bowman Plaintiffs will file amended complaints on 9/26/2023. On 12/7/2023, Defendants motions to dismiss are due, and Freeman I will file their anticipated motion to vacate. On 2/1/2024, Freeman II and Bowman Plaintiffs will file their oppositions to the motions to dismiss, and Defendants will file their opposition to the Freeman I motion to vacate. Replies (by Defendants, regarding their motions to dismiss, and by Freeman I Plaintiffs regarding their motion to vacate), if any, will be filed 3/1/2024. The Stephens case remains stayed until the filing of the amended complaint on 9/26/2023.

Based on the June 27, 2023 status conference, the parties understood that the motion to dismiss briefing would apply to the *Stephens* plaintiffs' amended complaint as well as the amended complaints in both *Freeman II* and *Bowman*. But the June 28, 2023 Minute Entry and Order does not list *Stephens* plaintiffs' amended complaint in the motion to dismiss briefing sequence.

To achieve the expected plan, the *Stephens* plaintiffs suggest that the Court amend the June 28, 2023 Minute Entry and Order to include the *Stephens* plaintiffs' amended complaint in the motion to dismiss briefing as provided below:

Stephens and Freeman II/Bowman Plaintiffs will file amended complaints on 9/26/2023. On 12/7/2023, Defendants motions to dismiss are due, and Freeman I will file their anticipated motion to vacate. On 2/1/2024, Stephens and Freeman II/Bowman Plaintiffs will file their oppositions to the motions to dismiss, and Defendants will

¹ On July 10, 2023, the Court modified this Minute Entry and Order but not in a way that impacts the issue raised in this letter.

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file their opposition to the *Freeman I* motion to vacate. Replies (by Defendants, regarding their motions to dismiss, and by *Freeman I* Plaintiffs regarding their motion to vacate), if any, will be filed 3/1/2024. The *Stephens* case remains stayed until the filing of the amended complaint on 9/26/2023.

Counsel for the *Stephens* plaintiffs has confirmed that all defendants and the *Freeman II* and *Bowman* plaintiffs concur in this understanding and approach.

Thank you for your time and attention in this matter.

Best regards,

BURNS CHAREST LLP



Daniel H. Charest, Partner

cc: All Counsel of Record (by ECF).